

1 APPEARANCES (continued):

2 MR. MARK L. GOLDSTEIN
3 3019 Province Circle
4 Mundelein, Illinois
5 appearing for defendant,
6 Commonwealth Edison Company
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18 SULLIVAN REPORTING COMPANY, by
19 PATRICIA WESLEY
20 LICENSE NO. 084-002170
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1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 15-0360. This is the complaint of Malgorzata Szayna
4 versus Commonwealth Edison Company.

5 Can I have the appearances for the
6 record, please.

7 MS. SZAYNA: Malgorzata Szayna.

8 JUDGE HAYNES: And your address, please.

9 MS. SZAYNA: It's 33625 Beachum Road, Alexandra,
10 Virginia.

11 MR. GOLDSTEIN: For Commonwealth Edison Company,
12 Mark L. Goldstein, 3019 Province Circle, Mundelein,
13 Illinois, 60060. My telephone number is
14 847-949-1340.

15 MS. GRAHAM: Rebecca Graham, 115 South La Salle
16 Street, Suite 2600, Chicago, Illinois, 60603. My
17 telephone number is 312-505-8154, and with us in the
18 hearing room is Aaron Jimenez from ComEd.

19 JUDGE HAYNES: Thank you. Parties requested some
20 time to have a discussion. Has any progress been
21 made on this case? Would someone like to update me.

22 MS. SZAYNA: I don't know which part you want to

1 say. From my side, I think we are -- it's not a lot
2 from my side to try to remedy this situation, but I
3 think with the pre-conference now discussion it has
4 not really got ahead of the subject.

5 JUDGE HAYNES: Okay. ComEd.

6 MR. GOLDSTEIN: I would point out, Judge, that on
7 August 3rd of this year ComEd sent a letter to
8 Ms. Szayna advising her that the condition of her
9 service location on north Chicago Street was in
10 violation of the terms under which you received
11 electric service and gave her what amounted to a
12 60-day notice in order to correct -- hire an
13 electrician and correct the situation.

14 Ms. Szayna followed that up with an
15 e-mail to the person who sent her the notice -- the
16 60-day notice -- and in effect said that she would
17 take it up with a contractor in the City of Joliet
18 to start the process of correcting the electric
19 installation.

20 I gathered from the discussion we had
21 off the record that there will be no work done
22 within the 60-day time period allocated pursuant to

1 the rules of the Commission.

2 I would imagine that after the 60-day
3 period ComEd would send a notice of disconnection
4 for the property and ultimately disconnection
5 service to the property. It has no choice.

6 MS. SZAYNA: Okay. May I get on record.

7 JUDGE HAYNES: Yes. Did you want to add
8 something, Ms. Szayna?

9 MS. SZAYNA: Yes. I just want to say that, okay,
10 I disagree with one statement that there's parties
11 that -- that there will be no work done in 60 days
12 because neither would I want, intend, or I can say
13 today that it won't be done.

14 I want to stress that I did contact
15 the city. I contacted the legal department. I
16 contacted the building department. I contacted the
17 contractor through legal presentation. It was
18 contacted, both the circuit court and the appellate
19 court, where the case with the city with the
20 contractor exactly about this 800 installation is
21 now under the investigation.

22 The situation is that the city, for

1 some reason, does not want still to admit that they
2 are at fault or they pretty much don't want to
3 remedy the situation, because the whole -- the case
4 is under -- it's still in the court for me to hire
5 now a different contractor and to take on my own to
6 redo the installation at the building in violation
7 of city rules in violation of my case going on
8 legally.

9 I'm pretty much left on the mercy of
10 the city now to give me the permit to do it and my
11 request for the permit to change the installation
12 from my side so it can comply and be in a correct
13 place so that ComEd can reconnect is pretty much
14 completely illegal.

15 As I said, I contacted -- besides the
16 court system and the parties involved, I contacted
17 the Governor's office on August 11th with a letter
18 that I received from ComEd, which is the most
19 available document for me. I contacted the state,
20 office of legal (sic). I contacted Will County to
21 investigate the case and with the help of the city
22 so somebody can oversee the city. Unfortunately,

1 there was absolutely no response even I have a case
2 number. I tried to check today, every morning, and
3 since six months ago in limbo.

4 So there was from my side that they
5 wish and, if anything, we change in a moment from
6 the side of the city so my side they will be changed
7 and they would be hiring immediately a contractor to
8 do the work. So that's all I want to make
9 correction to what ComEd needed.

10 Now ComEd requested all the time to
11 hire the legal representation of who I contacted
12 with the lawyers, and the problem is that, as we
13 know it, the main party here, which should make any
14 kind of the action, is the city, but the city has a
15 lot of immunity, and as long as the court will not
16 do it or the city will not show any will, none of
17 the other parties has a legal means to do anything,
18 and in a moment when ComEd is stating -- I'm the
19 owner. I'm the losing. So it is a target for every
20 legal action and getting any kind of financial
21 compensation is just ComEd who wants proof that
22 installation which shouldn't be approved in 2010 and

1 now it's trying to remedy to cutting it off after I
2 put it to the attention of the company.

3 So I also would like to -- after that,
4 I contacted the governor's office and contacted the
5 state about that, I was informed that the Commission
6 has some legal authority to direct the case or
7 suggest some investigation for both the governor's
8 office and the state office.

9 So I would pray, your Honor, that
10 maybe from initiating the request for investigating
11 this case would start from this Commission and we
12 may still keep the 60-day deadline, and that would
13 be the situation.

14 JUDGE HAYNES: My understanding, Ms. Szayna, was
15 that we are looking for the company to say that your
16 electricity was installed improperly.

17 MS. SZAYNA: Yes. I have to admit it was already
18 stated by electric inspector that installation was
19 wrong back in 2010.

20 JUDGE HAYNES: Wait. Wait. So last time we were
21 together you said that you didn't have a billing
22 complaint any more and you said that you were

1 looking for ComEd to put in writing that your
2 installation was improper.

3 So what else do you think the
4 Commission can do for you? Because we only have
5 jurisdiction over ComEd. I can't -- I can't bring
6 the city in. I can't bring the county in. I can't
7 bring a contractor in.

8 MS. SZAYNA: No, I understand. It's still the
9 question that ComEd connected, and if ComEd never
10 connected the installation wrongly in the first
11 place we would not be here because it had to be
12 addressed in 2010 the day before it was connected,
13 so that's the main problem which was on the side of
14 the ComEd which --

15 JUDGE HAYNES: Okay. But going forward, what are
16 you looking for me to do? Because now this is five
17 years later and ComEd is telling you that your
18 installation is incorrect.

19 So going forward, what do you want me
20 to tell ComEd to do?

21 MS. SZAYNA: Your Honor, in the means of this
22 Commission, the situation that should be -- the

1 problem should be remedied.

2 JUDGE DOLAN: Wait. Wait. I'm sorry. I didn't
3 understand you. What should be remedied?

4 MS. SZAYNA: The situation that it's unsafe
5 installation because this installation physically is
6 unsafe.

7 JUDGE HAYNES: Okay. So that's your
8 installation, correct?

9 MS. SZAYNA: It's both of us, because it's ComEd
10 and on the side of my property. The point we
11 disconnect -- both installation connections is
12 wrong, so on both sides is a problem. It's not only
13 a problem on my side, because then I would not
14 complain to ComEd, so we both have -- ComEd and me
15 have a wrong against the code in violation of the
16 Illinois code -- electric code installation.

17 JUDGE HAYNES: Mr. Goldstein, would you like to
18 respond to her allegation that ComEd's installation
19 is in violation?

20 MR. GOLDSTEIN: We don't agree with that, Judge.
21 Moreover, as we have just advised you previously,
22 and we have had a lot of rhetoric, Ms. Szayna has to

1 hire another electrical contractor. She has to have
2 that contractor obtain a permit from the City of
3 Joliet to do the work. She's under a 60-day notice
4 to do it. She sent us something August 3rd stating
5 that she would do that. I'm just hearing a lot of
6 words and no action on her part in hiring a
7 contractor and trying to get a permit.

8 Moreover, again, she needs to have an
9 attorney here at the Commission under the
10 Commission's rules, because the account holder is
11 not Ms. Szayna, it's Villa Sophie (phonetic), LLC,
12 and the attorney has to be present at each and every
13 status hearing as well as any evidentiary hearing
14 that may follow.

15 JUDGE HAYNES: I don't necessarily agree with
16 that, Mr. Goldstein. However --

17 MR. GOLDSTEIN: Look at the rules.

18 JUDGE HAYNES: -- the way I --

19 MR. GOLDSTEIN: The rules say an attorney
20 present, not just at the evidentiary hearing. This
21 is going nowhere because there is no attorney here.

22 JUDGE HAYNES: Mr. Goldstein, so this is what I

1 see. If it is unsafe, then I see no reason to
2 disagree with ComEd's plan to disconnect if it's not
3 corrected, and, Ms. Szayna, you don't seem to
4 disagree with it being unsafe and --

5 MS. SZAYNA: No, I don't disagree.

6 JUDGE HAYNES: -- so there is a question
7 outstanding of whether ComEd's installation is in
8 violation of the code and so that would seem to me
9 to be an issue for evidentiary hearing.

10 And, Ms. Szayna, correct me. You have
11 stated that you don't have -- do you have any
12 outstanding billing disputes?

13 MS. SZAYNA: There will be one small issue I will
14 forward to the picture of the meter. We are in
15 disagreement in the readings. Whatever we have on
16 the picture, that's not exactly -- it is completely
17 different than ComEd presented in his official
18 response, so that will be the second issue, if we
19 will have a hearing, I would appreciate, before
20 that. I would just put a lot of documentation in,
21 pretty much if we could have an evidentiary hearing
22 in the situation as soon as possible.

1 JUDGE HAYNES: Okay. And so do you have an
2 outstanding billing issue --

3 MS. SZAYNA: Yes.

4 JUDGE HAYNES: -- regarding meter readings --

5 MS. SZAYNA: Yes.

6 JUDGE HAYNES: -- regarding meter readings?

7 Okay. And there's a question
8 regarding whether ComEd's installation at your
9 property conforms with the electric code.

10 And I do agree with Mr. Goldstein in
11 part in that for the evidentiary hearing you will be
12 required to be represented by an attorney.

13 MS. SZAYNA: Yes, I understand.

14 JUDGE HAYNES: I don't see that another status
15 hearing would be beneficial or fruitful.

16 MR. GOLDSTEIN: Let me ask you one question,
17 Judge. Let's assume that Ms. Szayna does not hire
18 an electrician, does not get a permit to do the work
19 at the property, and ComEd disconnects service to
20 the property. In effect, in my mind that moots
21 everything and there are no violations any more
22 because there's no service to the property. There's

1 no case any more, and the only thing that's left
2 possibly is some billing issue which is never
3 even -- I mean, we have no idea what that is. It's
4 sort of not even really stated in her complaint. So
5 where are we?

6 JUDGE HAYNES: I don't know that I agree with
7 you, because if ComEd needs to correct something at
8 her property, that needs to be addressed whether she
9 actually is receiving electricity at that second or
10 is in the process of trying to get electricity or
11 stop being disconnected from electricity. She still
12 would have a question of whether your installation
13 is in compliance with the code.

14 MR. GOLDSTEIN: There's no service under the
15 property in my scenario, so there is no issue.

16 JUDGE HAYNES: But, Mr. Goldstein, she has
17 electricity now and she would like to continue
18 having electricity, so --

19 MR. GOLDSTEIN: She agreed with us on the phone
20 that the service should be disconnected. I just
21 heard her before. I don't understand what you are
22 saying to me now.

1 MS. SZAYNA: Excuse me. If I can, you know,
2 interrupt, I agree with on safety conditions and I
3 also would like to express that -- that what you
4 addressed today, your company should address in
5 October 2010 the latest, because I believe in the
6 first week your crew, ComEd's crew, was physically
7 there and connected the service.

8 Please. I am a customer. This is not
9 my obligation or my job to know the rules of service
10 and how the wires should look like. It's just that
11 I have --

12 JUDGE HAYNES: I agree with you. Okay.

13 MS. SZAYNA: Thank you very much.

14 So you put me also in the situation
15 for four years in a court that the judge did not
16 believe me, because you have the authority. So the
17 reason -- if I can finish this one sentence -- if
18 you request a lawyer, most of the lawyers, which I
19 contacted, they put the full blame on ComEd. I
20 wanted to go through that and just settle it so we
21 can get over it with our life and correct the safety
22 instead of not having a legal battle. Thank you

1 very much.

2 JUDGE HAYNES: What we need to do is schedule the
3 evidentiary hearing, and you both will present
4 testimony regarding ComEd's installation at your
5 property and the billing issue.

6 MR. GOLDSTEIN: And could you advise Ms. Szayna
7 that she has the burden of proving that the ComEd
8 installation is in violation of whatever is in
9 violation?

10 JUDGE HAYNES: I assume that the company will be
11 bringing in also the engineer to show that their
12 installation is in compliance with the code or
13 whatever kind of witness to show that.

14 MR. GOLDSTEIN: And does that shift the burden of
15 proof on ComEd to do so?

16 JUDGE HAYNES: I agree that she should also bring
17 in a witness to show that it is not in compliance.

18 MS. SZAYNA: I just want to, if I can state, that
19 ComEd is showing in the letter they already stated
20 it.

21 Your company already admitted it at
22 the point of attachment, which we are talking, and I

1 believe that today there is somebody from ComEd who
2 is maybe an engineer that wasn't -- I have
3 documentation who was talking with me and exchanging
4 this E-mail and the letters in a time when they were
5 collecting it, the engineer and the person.

6 The point is already your statements
7 said that your point of attachment is wrong. That's
8 the one part which comes there, so we can -- I can
9 bring all of the electricians, they'll be coming,
10 all of the inspectors as well, but to say in a
11 discussion please come back to your engineers and
12 analyze what the letter which was issued August 1st
13 would state.

14 JUDGE HAYNES: So, Ms. Szayna, you should show up
15 for the evidentiary hearing with an attorney and
16 your witnesses to support your claim that ComEd's
17 installation at your property is in violation of the
18 electric code --

19 MS. SZAYNA: Thank you.

20 JUDGE HAYNES: -- and any documents you might
21 need, but because you are required to have an
22 attorney, your attorney can help you determine what

1 you need to bring in support of your complaint
2 against ComEd.

3 So what date are the parties available
4 to have the evidentiary hearing?

5 MR. GOLDSTEIN: ComEd is available the week of
6 October 26th, Judge.

7 MS. SZAYNA: October 26th? Let me -- I may not
8 be back. Could we just shift it more to November.

9 JUDGE HAYNES: And what is the date that ComEd
10 was intending to disconnect?

11 MR. GOLDSTEIN: I don't know.

12 MS. SZAYNA: October 3rd.

13 JUDGE HAYNES: October 3rd.

14 MS. SZAYNA: I would just appreciate it if the
15 court would extend it at least for the date, because
16 the people say, you know, I have to move out they
17 say I will be once again left the responsibility for
18 removing people from the property who are still
19 living there, all of the costs and all of the legal
20 stuff connected with that.

21 JUDGE HAYNES: Ms. Szayna, have you hired a
22 contractor to fix your building?

1 MS. SZAYNA: The problem is that, as I stated,
2 legally without the city's permission, nobody can
3 get inside the property because I'm still in court
4 in cases under review, then I will be assigned to be
5 guilty.

6 JUDGE HAYNES: Because the city won't give you a
7 permit?

8 MS. SZAYNA: No, because giving me the permit,
9 the city admit already guilty. That's what the
10 city -- I don't know -- is trying to do.

11 JUDGE HAYNES: So when are you available for an
12 evidentiary hearing, Ms. Szayna?

13 MS. SZAYNA: I would appreciate it if it could be
14 some November date, because I will be out of the --
15 according to now to me, I will be out of the country
16 around October 24th. I would like a few days after
17 that so I can just come to this.

18 JUDGE HAYNES: Okay. How about the week of
19 November 16th.

20 MS. SZAYNA: Oh, I think we can even earlier.
21 November 16th would be fine.

22 JUDGE HAYNES: Hold on. Mr. Goldstein'S checking

1 his calendar.

2 MS. SZAYNA: Which day?

3 JUDGE HAYNES: I'm completely free that week;

4 otherwise, I would be available November 5th.

5 MS. SZAYNA: Let me look quickly.

6 JUDGE HAYNES: So the week of November 16.

7 MR. GOLDSTEIN: November 5th is fine.

8 JUDGE HAYNES: November 5th is fine?

9 MR. GOLDSTEIN: Yes.

10 JUDGE HAYNES: Ms. Szayna, would you like

11 November --

12 MS. SZAYNA: I'm just looking on November. Just

13 a moment. Which day it would be?

14 JUDGE HAYNES: November 5th.

15 MS. SZAYNA: 5th would be Thursday?

16 JUDGE HAYNES: The 5th is the earliest I can do

17 it, then after that I could do it the week of the

18 16th.

19 MS. SZAYNA: I'm pretty much now free. It's

20 okay.

21 JUDGE HAYNES: Okay. So what do you prefer?

22 MS. SZAYNA: Maybe we will go November 5th.

1 JUDGE HAYNES: November 5th and you'll have an
2 attorney?

3 MS. SZAYNA: Yes.

4 JUDGE HAYNES: And you will be here in person?

5 MS. SZAYNA: Yes, I will be definitely.

6 JUDGE HAYNES: I guess that if you have an
7 attorney and different witnesses, I don't know that
8 you personally have to be here if you are not a
9 witness in the complaint.

10 MS. SZAYNA: I probably could be as an electrical
11 engineer.

12 JUDGE HAYNES: November 5th we will start at
13 11 o'clock, okay, and that's for evidentiary, so I
14 assume it will last for several hours.

15 Is there anything else we need to talk
16 about today?

17 MS. SZAYNA: I believe that's it from my side.

18 JUDGE HAYNES: Nothing else? Okay.

19 MS. SZAYNA: I just think that if there's
20 anything -- they told me in the governor's office
21 that this Commission has some kind of power, but I
22 think that can only be applied after the evidentiary

1 hearing.

2 JUDGE HAYNES: Well, I don't really know what you
3 are talking about, so --

4 MS. SZAYNA: I'm trying to figure it out
5 honestly, your Honor, because I'm just shifted from
6 one office to another and all the time there was no
7 jurisdiction over anything and I'm just much
8 helpless to do it the last five years.

9 JUDGE HAYNES: Okay. So hopefully something will
10 come out of the evidentiary hearing.

11 Mr. Goldstein, do you have anything
12 further?

13 MR. GOLDSTEIN: I have nothing else.

14 JUDGE HAYNES: Okay. This matter is continued
15 then until November 5th at 11 o'clock for
16 evidentiary hearing.

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1 MS. SZAYNA: Thank you very much.

2 (Whereupon, the above

3 matter was adjourned, to

4 be continued to November

5 5, 2015 at 11 a.m.)

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